S T A T E O F N E W Y O R K

2068

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to death certificates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 4 of section 4141 of the public health law, as amended by chapter 153 of the laws of 2011, is amended to read as follows:

4. (a) The medical certificate shall be made, dated, and signed by the physician, A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN or THE nurse practitioner, if any, last in attendance on the deceased.

(b) Indefinite terms, denoting only symptoms of disease or conditions resulting from disease, shall not be held sufficient.

(c) Any certificate stating the cause of death in terms which the commissioner declares indefinite shall be returned to the physician, A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN, THE nurse practitioner, or THE person making the medical certificate for correction and more definite statement. A CERTIFICATE CERTIFIED TO AND SIGNED BY A PHYSICIAN ASSISTANT IN ACCORDANCE WITH THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT IN LAW AS A CERTIFICATE SIGNED BY A PHYSICIAN.

(d) Where a death is caused by an opioid overdose, such information shall be indicated, including any related information as the commissioner may require.

S 2. Section 4141-a of the public health law, as amended by chapter 153 of the laws of 2011, is amended to read as follows:

S 4141-a. Death certificate; duties of hospital administrator. When a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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the certificate to the physician [or], THE nurse practitioner OR A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN in attendance, or a physician [or], A nurse practitioner OR A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN acting in his or her behalf, who shall promptly certify to the facts of death, provide the medical information required by the certificate, sign the medical certificate of death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred forty of this title can be met. A CERTIFICATE CERTIFIED TO AND SIGNED BY A PHYSICIAN ASSISTANT IN ACCORDANCE WITH THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT AS A CERTIFICATE SIGNED BY A PHYSICIAN.

S 3. Subdivision (b) of section 4142 of the public health law, as amended by chapter 153 of the laws of 2011, is amended to read as follows:

(b) present the certificate promptly to the attending physician, A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN or THE nurse practitioner, who shall forthwith certify to the facts of death, provide the medical information required by the certificate and sign the medical certificate of death, or to the coroner or medical examiner in those cases where so required by this article or, when a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, to the person in charge of such hospital or his or her designated representative, who shall obtain the medical certificate of death as prescribed in section four thousand one hundred forty-one-a of this title;

S 4. Paragraph (b) of subdivision 2 of section 4144 of the public health law, as amended by chapter 153 of the laws of 2011, is amended to read as follows:

(b) [Verbal] SPOKEN permission to remove a body of a deceased person from the county in which death occurred or the body was found to a nonadjacent county within the state of New York, as provided in subdivision one of this section, shall be issued by the said registrar of vital statistics, upon request by telephone of a licensed funeral director or undertaker who holds a certificate of death signed by the attending physician [or], THE ATTENDING nurse practitioner OR A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN, showing that the death resulted from natural causes and was not a result of accidental, suicidal, homicidal or other external causes.

S 5. The section heading and subdivisions 2, 3 and 4 of section 4161 of the public health law, as amended by chapter 153 of the laws of 2011, are amended to read as follows:

Fetal death certificates; form and content; physicians, nurse practitioners, PHYSICIAN ASSISTANTS, midwives, and hospital administrators.

2. In each case where a physician [or], A nurse practitioner OR A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN was in attendance at or after a fetal death, it is the duty of such physician [or], nurse practitioner OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN to certify to the birth and to the cause of death on the fetal death certificate. Where a nurse-midwife was in attendance at a fetal death it is the duty of such nurse-midwife to certify to the birth but, he or she shall not certify to the cause of death on the fetal death certificate.

3. Fetal deaths occurring without the attendance of a physician [or], A nurse practitioner OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A

PHYSICIAN as provided in subdivision two of this section shall be treated as deaths without medical attendance, as provided in this article.

4. When a fetal death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present the certificate to the physician [or], THE nurse practitioner OR THE PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN in attendance, or a physician [or], A nurse practitioner OR THE PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN acting in his or her behalf, who shall promptly certify to the facts of birth and of fetal death, provide the medical information required by the certificate, sign the medical certificate of birth and death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred sixty of this title can be met.

S 6. The section heading and subdivision 1 of section 4171 of the public health law, as amended by chapter 153 of the laws of 2011, are amended to read as follows:

Records; duties of physicians, nurse practitioners, PHYSICIAN ASSISTANTS, and others to furnish information. 1. Physicians, nurse practitioners, PHYSICIAN ASSISTANTS UNDER THE SUPERVISION OF A PHYSICIAN, nurse-midwives, funeral directors, undertakers and informants, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the commissioner or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the commissioner, in person, by mail, or through the registrar.

S 7. Subdivisions 1, 3 and 5 of section 4175 of the public health law, as amended by chapter 153 of the laws of 2011, are amended to read as follows:

1. If, at any time after the birth, or within one year of the death, of any person within the state, a certified copy of the official record of said birth or death, with the information required to be registered by this article, is necessary for legal, judicial, or other proper purposes, and, after search by the commissioner or his or her representatives, it appears that no such certificate of birth or death was made and filed as provided by this article, then the commissioner shall immediately require the physician, nurse practitioner, PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN, or nurse-midwife who, being in attendance upon a birth, failed or neglected to file a certificate thereof, or the funeral director, undertaker, or other person who, having charge of the interment or removal of the body of a deceased person, failed or neglected to file the certificate of death, if he or she is living, to obtain and file at once with the local registrar such certificate in as complete form as the lapse of time will permit.

3. If the physician, nurse practitioner, PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN, nurse-midwife, funeral director, or undertaker responsible for the report is deceased or cannot be located, then the person making application for the certified copy of the record may file such certificate of birth or death together with such statements subscribed and affirmed by the persons making them as true under the penalties of perjury and other evidence as the commissioner may require.

5. The delinquent physician, nurse practitioner, PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN, nurse-midwife, funeral director, undertaker, or other person may, in the discretion of the commissioner, be prosecuted as required by this article, without bar from the statute

of limitations, if he or she neglects or fails to file promptly the certificate required by this section.

S 8. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that the commissioner of health is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.